

REMARKS/ARGUMENTS

Reconsideration and allowance of the above-identified Application are respectfully requested.

The amendments to the claims further define what the Applicants regards as their invention and/or are editorial in nature. Full support for the amendments can be found throughout the present application, including the claims as originally filed. Accordingly, no questions of new matter should arise, and entry of the amendments is respectfully requested. Claims 1 to 5, and 7 to 19 remain in the application. Claims 20 to 26 have been added. Claim 3 has been amended to clarify the scope thereof. Claims 10 and 12 have received minor editorial amendments. Claims 13, 14, and 15 have been amended so as to address the Examiner's objections, as detailed below. Claim 16 has also been amended in a similar fashion to claims 13 to 15. Claims 20 to 26 consequentially arise from the amendments made to claims 13 to 16.

Claim Objections

At paragraph 4 of the Office Action, the Examiner objects under 37 CFR 1.75(c) to claims 13 to 15 as being in an improper form because a multiple dependent claims does not refer back in the alternative only.

In response to this objection, claims 13 to 15 have been amended, as indeed has claim 16. Claims 13 to 16 are accordingly now dependent only upon claim 1. Claims 20 to 26 have been added, which correspond to the subject matter deleted by amendment to claims 13 to 16. It is accordingly respectfully submitted that there is clear basis for these claims in the application as filed.

In view of the amendments to claims 13 to 15, it is respectfully submitted that the Examiner's objection is traversed.

Claim Rejections 35 USC§ 102

At paragraph 4 of the Office Action the Examiner rejected claims 1 to 5, 7 to 9, and 12, and 17 to 19 under 35 USC§ 102(e) as being anticipated by WO 99/37054 A (the '054 document). This objection is respectfully traversed for the following reasons.

Claim 1 as presently presented comprises a combination of original claims 1, 6, and 8. In the Office Action of October 4, 2004, the Examiner rejected a number of the original claims as being anticipated by '054. However, the Applicant notes that original claim 8 was not rejected as anticipated by '054 by the Examiner. It is therefore with some surprise that the Applicant now reads the Examiner's rejection of fresh claim 1 based upon the subject matter of original claims 1, 6, and 8, as anticipated by '054. This would appear to constitute a new ground of rejection raised by the Examiner in this second Office Action, which was not raised in the first Office Action.

Notwithstanding the above comments, at paragraph 5 of the Office Action the Examiner states that '054 teaches "*A method of controlling access allowing at least one other user at least one further user access/read/write ...*". In support of the Examiner's reading of '054, he directs the Applicant to the following passages in '054, namely: "*abs., related art, summary, pgs 7 - 12, 15, page 9, line 1 et seq., page 10, 2nd Paragraph et seq., claims 1 - 6, 9 - 10, 24, 25 - 27, 29, and 33, and figs 1 - 3*". The Applicant has again studied these passages, and indeed the whole content of the '054 document. The '054 document was indeed cited in corresponding foreign applications, and the Applicant is therefore well versed in this document. Again reviewing this document, and particularly the passages relied upon by the Examiner, at no point can the Applicant find any reference to "*allowing at least one further user at least one further user access/read/write*" as recited by the Examiner in his objection. This language used by the Examiner would apparently relate to the last feature recited in claim 1, namely "*allowing at least one further user access to the data storage space, and wherein, the further users access to the data storage space can be managed by the at least one user with regard times and dates when the at least one further user can write to and/or read from the data storage space*".

Turning to the '054 document, at the paragraph spanning pages 8 and 9, it is stated that *"The described embodiment teaches methods for securely and reliably storing User's valuables and then retrieving them from the User's account maintained by the SP (service provider). These methods will be described with reference to specific steps of manipulating information. For one skilled in the art, it is obvious that some of these steps shall be best automated by, for example, implementing them as a special purpose software, which is usually called a server, running on general purpose computer. It is clear that an information provider could simultaneously initiate multiple executions of the server to serve multiple end users. It is also clear that there may exist multiple SPs. For example, there may be one SP per organization or per district"*. This is the only portion of '054 where the present Applicant can find any reference to a possibility of multiple end users. In the context of the disclosure of '054, it is clear that '054 teaches a digital valuables depository comprising a unique space allocated to a user as shown in Figure A of Annex A attached hereto. Alternatively, in the portion of '054 quoted above, there is the possibility of one of multiple digital valuable depositories being allocated to a respective one of multiple users, as shown in Figure B of Annex A hereof. In the situations of either Figure A or Figure B one user can access their own unique space, and such unique space is not shared with or accessible by any other user.

In contradistinction, the present invention allows a primary user to control access to the unique digital valuables depository, storage space or "vault" by other invited users. This is illustrated in Figure C of Annex A. The present invention is therefore of a "collaborative" nature, where the main or primary user (buyer) has control of which other invited users (suppliers) can access the main user's unique storage space. There is nothing in the '054 document that suggests this novel and inventive feature.

It is respectfully submitted that to maintain an objection of anticipation or lack of novelty of the present invention over the '054 document is to adopt an incorrect reading of the disclosure of the '054 document and to embark upon a hindsight analysis with foreknowledge of the present invention.

If the Examiner maintains the rejection that claim 1 or any of the other claims is anticipated by '054, then it is requested that the Examiner specifically identify the portions of the '054 document that allegedly anticipate the feature of claim 1, or any of the other claims, which allows the at least one user to manage the access of at least one further user to the at least one user's data storage space. If the Examiner cannot clearly identify the features of '054 that support this rejection of claim 1 or the other claims, then it is respectfully requested that this rejection be withdrawn.

The Examiner's attention is also drawn to the comments made in the response to the first Office Action in respect of how present claim 1 is distinguished over '054.

In view of the above, it is respectfully submitted that claim 1, and the other independent claims, namely claims 9 and 10, are patentably distinguished from '054.

At paragraph 6 of the Office Action the Examiner rejects claims 1 to 5, 7 to 12, and 17 to 19 under 35 USC§ 102(e) as being anticipated by An *et al.*, US Patent Number 6,715,073, hereinafter '073. More particularly, in paragraph 7 the Examiner alleges that '073 teaches a secure server having a method and apparatus comprising "... *allowing access/read/write by user to another, with date, times, frames/access/validity period*". In supporting his rejection, the Examiner draws attention to the following particular passages of '073, namely, "*abstract, figs 1 - 4, 6 - 9, col. 1, lines 62 et seq. - col. 2, lines 25 - 50 et seq., and col. 4, line 28 et seq., and cols. 5 - 8*".

Column 2, lines 59 to 65 of '073 relates to prior art, and state that "*The controller provides security from other processes running on the same server and secure areas and personal storage vaults to which **only the owner** (emphasis added) has a key. System operators, administrators, certificate authorities, registration authorities, and others **cannot get to stored information** (emphasis added) or secure processes in such personal vaults*". It is stated in relation to the disclosure of '073 at column 6, lines 1 to 6, that "*Information stored in personal vaults is protected against disclosure to unauthorised persons (such as System Administrators and other vault owners) by encryption; against tampering by digital signatures; and against untrusted communications with unknown*

parties by authentication using digital certificates". At column 6, lines 66 to column 7, line 9 it is stated that "Entries in the X.500 Directory and the certificate in the vault enables users to encrypt and sign data (through the secured depositor) for any other user on the system that has a vault. This information is safely encrypted in the public key of the recipient A Secure Depositor Daemon handles communications between the remote vaults. For example, the Daemon receives messages from remote vault processes and then deposits them in the local vaults of logged agents". Also referring to column 8, lines 4 to 7, it is stated that " Vault processes use a secure depositor to encrypt and sign data for secure interprocess communication with other vault processes, and decrypt data and verified signatures for data received from other vault processes". Referring to Figure 1 of '073, it is clear that the server disclosed therein provides a single vault for a single user.

As is clear from the portions of '073 quoted above, information may be shared between vaults. Each vault is personal to a user (see column 7, line 16, and column 7, line 51), though information may be transferred to the vault of another user. Accordingly, the disclosure of '073 describes a set up as shown in Figure D of Annex A attached hereto.

There is therefore no hint or suggestion in '073 of a prime feature of the present invention as claimed in the independent claims, namely a vault for a primary or main user, wherein further users may be invited by the main user to access the data storage space or vault, and such access can be managed by the main or primary user with regard to the time and dates when the at least one further user can write to, or read from, the data storage space.

If the Examiner maintains the rejection, then it is requested that the Examiner particularise where support is found in '073 for the above-mentioned rejection of the present invention. If the Examiner cannot clearly identify the disclosure of '073 that supports the rejection of the independent claims, then it is respectfully requested that the rejection thereto be withdrawn.

The Examiner's attention is also directed to the comments made in response to the first Office Action in respect of how the present invention is distinguished from '073.

In view of the above comments, it is respectfully submitted that the Examiner's rejection of various of the claims as being anticipated over '073 is traversed, and that these claims are patentably distinguished over the prior art.

In further support of the patentability of the present invention, and the commercial success thereof, the Examiner's attention is directed to the Assignee's website at www.bipsolutions.com. If the Examiner visits that website and clicks on E-Tendering Services, he will find details of products embodying the present invention. The Examiner is also asked to click upon "vault", and at that page he will find information regarding the secure document and e-auction exchange service. The invention as embodied in the vault tenderboxes provides a totally secure means to store and transmit Invitation to Tender (ITT) documentation, then receive and manage responses electronically via the internet. Although generally applicable, the electronic tendering process of the present invention is particularly suitable for public sector (Government Agency) procurement or buying departments. The invention allows such bodies or agencies - including national defence agencies - to securely carry out tender requests and response and evaluation exercises, in accordance with legislation, and best practice regarding timescales, deadlines, and commercial confidentiality.

The solution provided by the present invention is beginning to find widespread use and adoption by UK and European public (Government) sector authorities. If the Assignee is not able to properly and appropriately protect their Intellectual Property in the US due to rejection of this Application, then there will be a major barrier to the Assignee's plans to expand the business into the US market, and facilitate adoption of this technology in the US.

In summary, it is respectfully submitted that the claims of the present invention are allowable over the prior art, and patentably distinguished therefrom. The Examiner rejected various of the claims as being anticipated by '054 and '073. However, there is nothing in these documents that anticipate a critical feature of the current application as

described in the independent claims, namely that of the primary user being allowed: to invite at least one further user to access the data storage space, and to manage the further user's access with regard to time and dates which the at least one further user can read to or write from the data storage space. The disclosures of '054 and '073 describe systems enabling depositories or safety deposit boxes each accessible by only one user. The aspect of the present invention described above allows the invention to be used as a secure collaborative tendering tool in a way that is not possible in the prior art. In view of the above, it is respectfully submitted that the claims of the present invention are distinguished over the prior art.

CONCLUSION

In view of the foregoing remarks, the Applicant respectfully request the reconsideration of this Application and the timely allowance of the pending claims. The Examiner is respectfully requested to contact the undersigned by telephone should there be any remaining questions as to the patentability of the pending claims.

It is not believed that any fees are due in connection with this amendment other than those provided for in the Request for Continued Examination and the Petition for Extension of Time. If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-1980, The HT Than Law Group. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is hereby petitioned with the fees charged to said Deposit Account.

Respectfully submitted,

Date

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